

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
WDNC Civil Action No. 3:19-cv-00189-FDW-DCK

DANIEL C. FLINT, et. al.,

Plaintiff,

v.

ALLY FINANCIAL, INC., a Delaware Corporation, UAR NATIONAL SERVICES, LLC, a Tennessee Limited Liability Company, and ASSOCIATES ASSET RECOVERY, LLC, a South Carolina Limited Liability Company, Jointly and Severally, Directly and Vicariously,

Defendants.

**DEFENDANT ASSOCIATES ASSET RECOVERY, LLC'S ANSWER TO CO-DEFENDANT UAR NATIONAL SERVICES, LLC'S CROSSCLAIM**

NOW COMES Defendant Associates Asset Recovery, LLC ("AAR"), by and through the undersigned attorneys, and hereby responds to Co-Defendant UAR National Services, LLC's ("UAR") Crossclaim as follows:

**FIRST CAUSE OF ACTION  
(Contractual Indemnification against AAR)**

1. Admitted upon information and belief.
2. Admitted upon information and belief.
3. Admitted.
4. Admitted.
5. It is admitted that the terms of the contract speak for themselves.
6. It is admitted that the terms of the contract speak for themselves.

7. The allegations contained in paragraph 7 call for a legal conclusion to which no response is required.

8. Admitted.

9. It is admitted that as of the date of this filing, AAR has not accepted UAR's demand that it be provided with defense in this matter.

10. Denied.

11. The allegations contained in this paragraph call for a statement or conclusion of law to which no response is required. To the extent that the statements or conclusions of law are incorrect, denied. To the extent a response is required, denied.

**SECOND CAUSE OF ACTION**  
**(Common Law Active/Passive Indemnity against AAR)**

It is denied that the principles of primary/secondary liability and active/passive negligence are applicable in this case. Accordingly, AAR denies that UAR is entitled to any common law active/passive indemnity from it.

**PRAYER FOR RELIEF**

Wherefore, having fully responded to Co-Defendant UAR's Crossclaim, Defendant AAR respectfully request of this honorable Court the following relief:

1. For a trial by jury on all issues so triable;
2. That all claims against it be dismissed with prejudice and that Co-Defendant UAR have and recover nothing of it;
3. For the costs of defending this action; and
4. For such other and further relief as this Court deems just and appropriate.

This the 26th day of September, 2019.

CRANFILL SUMNER & HARTZOG, LLP

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## **CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing ***Defendant Associates Asset Recovery, LLC's Answer to Co-Defendant UAR's Cross-claim*** with the Clerk of Court using the CM/ECF system, which will send notification to all counsel of record. I also electronically mailed the document to each counsel of record as addressed below:

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This the 26<sup>th</sup> day of September, 2019.

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